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10/713,159	11/17/2003	Dae-Sung Han	1594.1291	9459
21171	7590	05/02/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			FUQUA, SHAWNTINA T	
			ART UNIT	PAPER NUMBER
			3742	

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/713,159  
Filing Date: November 17, 2003  
Appellant(s): HAN ET AL.

**MAILED**  
**MAY 02 2006**  
**Group 3700**

\_\_\_\_\_  
Derrick L. Fields  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1/24/06 appealing from the Office action mailed 6/3/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,104,004	RAGLAND ET AL	8-2000
3,154,004	HUCK	10-1964
5,189,945	HENNICK	3-1993
20020016089	KOREA	3-2002
2286111	GREAT BRITAIN	8-1995

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ragland et al (US6104004).

Ragland et al discloses a cooking apparatus comprising a cabinet (1) opened at a top surface to provide an opening/cavity over which food to be cooked is laid (Figures 1, 3), a grill (3, 33) seated in the opening to support food, a heating unit (4, 34) in the cooking cabinet, a plurality of reflecting members (8, 9, 16, 17, 38, 39) at predetermined positions around a rear surface (8, 16, 38) of the heating unit (4, 34), the reflecting members spaced apart from each other by a gap to provide an air layer between the reflecting members (column 6, lines 2-5, 10-18, 33-43, 54-58; column 4, lines 10-21, 36-57) wherein the reflecting members have a projection (Figure 2b, 12) and the thermal heat generated is repeatedly reflected (Figure 1), the

reflecting members surround the upper, lower, and rear portions of the heating unit (Figures 1, 3), a removable tray (19, 40), a control switch (6), and first, second, and third reflecting members (column 3, lines 58-61).

Claims 4-5, 7-8, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ragland et al in view of GB-2286111 and Huck (US3154004).

Ragland et al discloses all of the recited subject matter except a plurality of heating units set in both sides of the cavity opposite to each other and inclined to tilt toward the opening, a timer and a power switch to control operation. GB-2286111 discloses a plurality of heating units (23) set in both sides of the cavity opposite to each other and are inclined to tilt toward the opening (Figures 1, 3) and Huck discloses a timer switch (28) and a power switch (26) to control operation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the heating unit of Ragland et al with the inclined heating unit of GB-2286111 which are set in both sides of the cavity, and to have included the timer and power switches of Huck in the Ragland et al apparatus because, inclined heating units on both sides of the cavity allow the heat to be directed on the food items more efficiently, and a timer and power switch allows the apparatus to be controlled more efficiently.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ragland et al in view of GB-2286111 and Huck as applied to claim 4 above, and further in view of KR-200216089.

Ragland et al in view of GB-2286111 and Huck discloses all of the recited subject matter except a heating unit which includes a ceramic member with a heating element. KR-200216089 discloses a heating unit which includes a ceramic member with a heating element (abstract). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to have a heating unit which includes a ceramic member with a heating element as taught by KR-200216089 in the apparatus of Ragland et al along with the side heating units of GB-2286111 and the timer/power switches of Huck because, a heating unit which includes a ceramic member with a heating element allows the food to be heated more uniformly.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ragland et al in view of GB-2286111 and Huck as applied to claim 4 above, and further in view of Hennick (US5189945).

Ragland et al in view of GB-2286111 and Huck discloses all of the recited subject matter except a grill unit comprising a plurality of water tanks on both sides and a plurality of grill pipes between the tanks and having hollow structures so that water flows through pipes from the tank wherein the pipes are continuously cooled. Hennick discloses a grill unit comprising a plurality of water tanks on both sides and a plurality of grill pipes between the tanks and having hollow structures so that water flows through pipes from the tank wherein the pipes are continuously cooled (abstract, Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the grill unit of Hennick in the apparatus of Ragland et al along with the side heaters of GB-2286111, and timer switch of Huck because, a grill unit comprising a plurality of water tanks on both sides and a plurality of grill pipes between the tanks and having hollow structures so that water flows through pipes from the tank wherein the pipes are continuously cooled prevents the food from sticking to the grill while it is being cooked.

**(10) Response to Argument**

Appellant's arguments filed in the appeal brief dated 1/24/06 have been fully considered but they are not persuasive. In regard to independent claims 1, 4, and 16, Appellant argues that Ragland's reflective inserts are not provided at predetermined positions around a rear surface of the heating element wherein there is not an air layer therebetween, and there are not first, second, and third reflecting members. Examiner directs Appellant's attention to Figure 1 of Ragland where there are three reflectors (8 on right, 8 on left, 16) located below a rear surface of heating element (4). In addition, there is an air layer between the reflectors since reflector 16 is placed slightly above reflectors 8.

In regard to dependent claim 5, Appellant argues that the Examiner relies on "broad conclusory statements, subjective belief and unknown authority because nothing in Ragland teaches or suggests that an air layer is provided between reflecting members 8 and 16 to produce a heat insulating effect." Examiner directs Appellant's attention to Figure 1 where it clearly shows reflector 16 placed above reflectors 8 and inherently there is an air layer between the reflectors. This air layer would inherently produce a heat insulating effect. Furthermore, claim 5 is merely a functional recitation which does not carry patentable weight.

In regard to dependent claims 7 and 8, Appellant argues that the combination of Ragland, GB22861, and Huck does not teach "heating units set in both sides of the cavity" wherein "the heating units are inclinedly arranged to tilt toward the opening." Ragland teaches a cooking apparatus with heating unit (4) located directly below the grill. GB22861 teaches a cooking apparatus with heating units (23) which are opposite each other and located in both sides of the cavity and which are tilted as much as Appellant's heating units are tilted. It would be obvious

to make the combination and add the side heaters of GB22861 in the cooking apparatus of Ragland because side heaters allow the heat to be directed onto the food items more efficiently.

In regard to dependent claim 15, Appellant argues that the combination of Ragland, GB228611, and Huck does not teach a timer and a power switch. Examiner directs Appellants attention to Huck which clearly discloses a timer (28) and a power (26) switch. Timer and power switches are old, well known and conventional in the art. It would be obvious to anyone of ordinary skill to include them in a cooking apparatus.

In regard to dependent claim 6, Appellant argues that the combination of Ragland, GB228611, Huck and KR-200216089 does not disclose a ceramic heating member. KR-200216089 discloses a ceramic heating member and it would be obvious to replace the heating member of Ragland with the ceramic heating member of KR-200216089 so that food could be heated more uniformly.

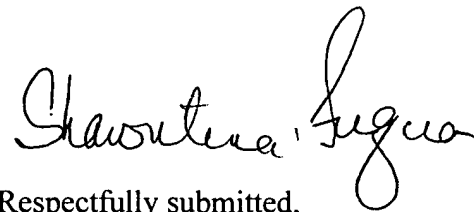
In regard to dependent claims 9 and 10, Appellant argues that the combination of Ragland, GB228611, Huck, and Hennick does not disclose a grill with a plurality of water tanks on both sides and grill pipes between the tanks wherein water flows through grill pipes and continuously cools the grill pipes to prevent food from being burned. Hennick clearly shows a grill with a plurality of water tanks on both sides and grill pipes between the tanks wherein water flows through grill pipes. In addition, in regard to the limitation requiring the grill pipes to be continuously cooled and preventing the food from being burned, this is merely a functional limitation. Furthermore, the grill pipes would inherently be cooled via natural convection.



**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.



Respectfully submitted,

Shawntina Fuqua

Patent Examiner

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stf

April 30, 2006

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